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Municipality of Anchorage
Anchorage Police Department
Walt Monegan
Officers Voss and Henikman

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

CAROLYN MITCHELL,)
)
Plaintiff,)
)
vs.)
)
ANCHORAGE POLICE DEPARTMENT and)
the MUNICIPALITY OF ANCHORAGE, a)
municipal corporation, WALTER MONEGAN,)
Officer HENIKMAN, and Officer J. VOSS,)
)
Defendants.) Case No. 3:05-cv-00273-JWS
)

**PROPOSED ORDER GRANTING MOTION TO RECONSIDER
ORDER AND OPINION**

Defendants filed (Dkt. 79) a Motion to Reconsider this Court's Order and Opinion (Dkt. 76), which had granted Plaintiff summary judgment on the tort of false arrest. The Court has reviewed the Motion. The Affidavits submitted therewith have clarified both the setting and the public safety priorities involved in Plaintiff's detention. On

reconsideration of these and Defendants' arguments and authorities, set forth in their earlier briefs and summarized in the Motion, this Court determines Plaintiff was not "arrested." She was detained upon "proper legal authority," and the grant of summary judgment was unwarranted. Accordingly, the Motion is GRANTED and the Order and Opinion at Dkt. 76 is VACATED.

Dated this _____ day of _____ 2008.

By: _____
John W. Sedwick
U. S. District Judge